

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Northern District of Illinois
(State)

Case number (if known): Chapter 11

☐ Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Walnut Creek Nursery, Inc.

2. All other names debtor used in the last 8 years
Include any assumed names, trade names, and *doing business* as names

3. Debtor's federal Employer Identification Number (EIN) 20 - 0982562

4. Debtor's address

Principal place of business	Mailing address, if different from principal place of business
35910 Polk Road Number Street	Number Street P.O. Box 609 P.O. Box
Marengo, IL 60152 City State ZIP Code	Marengo, IL 60152 City State ZIP Code
McHenry County	Location of principal assets, if different from principal place of business Number Street City State ZIP Code

5. Debtor's website (URL) www.wcnursery.com

Debtor Walnut Creek Nursery, Inc.
Name

Case number (if known) _____

6. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other. Specify: _____

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

1 1 1 4

8. Under which chapter of the Bankruptcy Code is the debtor filing?

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

Check one:

- ☐ Chapter 7
☐ Chapter 9
☒ Chapter 11. Check all that apply:

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☒ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

Debtor Walnut Creek Nursery, Inc. Case number (if known) _____
Name _____

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

If more than 2 cases, attach a separate list.

☒ No

☐ Yes.

District _____

When _____

MM / DD / YYYY

Case number _____

District _____

When _____

MM / DD / YYYY

Case number _____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

List all cases. If more than 1, attach a separate list.

☒ No

☐ Yes.

Debtor _____

Relationship _____

District _____

When _____

MM / DD / YYYY

Case number, if known _____

11. Why is the case filed in this district?

Check all that apply:

☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other _____

Where is the property? _____

Number _____

Street _____

City _____

State ZIP Code _____

Is the property insured?

☐ No

☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

Debtor Walnut Creek Nursery, Inc.
Name

Case number (if known) _____

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

- | | | |
|---|--|--|
| <input type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input checked="" type="checkbox"/> 50-99 | <input type="checkbox"/> 5,001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated assets

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

16. Estimated liabilities

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/23/2022
MM/DD/YYYY

x

Paul A. Hackett
Signature of authorized representative of debtor

Title Owner

Paul A. Hackett

Printed name

Debtor Walnut Creek Nursery, Inc.
Name

Case number (if known) _____

18. Signature of attorney

☒ Nicholas M. Miller
Signature of attorney for debtor

Date 2/23/2022
MM / DD / YYYY

Nicholas M. Miller

Printed name
McDonald Hopkins LLC

Firm name
300 North LaSalle Street, Suite 1400

Number Street
Chicago

City
(312) 642-6938

Contact phone

IL 60654
State ZIP Code

nmliller@mcdonaldhopkins.com
Email address

ARDC 6295723 IL

Bar number

State

**ACTION BY WRITTEN CONSENT OF THE SOLE OWNER OF
WALNUT CREEK NURSERY, INC.**

FEBRUARY 23, 2022

WHEREAS, Paul A. Hackett, the sole owner of Walnut Creek Nursery, Inc., an Illinois corporation (the "Company"), does hereby consent to, adopt and ratify the following resolutions, in writing, without a meeting:

RESOLVED, that it is in the best interest of the Company, its creditors, employees, and other interested parties that a petition be filed by the Company seeking relief under the provisions of subchapter 5 of chapter 11 of title 11 of the United States Code (the "Bankruptcy Code");

FURTHER RESOLVED, that the Chief Executive Officer or Manager of the Company (an "Authorized Person"), is hereby authorized, empowered and directed, in the name and on behalf of the Company, to execute and verify a petition for relief under subchapter 5 of chapter 11 of the Bankruptcy Code and to cause the same to be filed in the United States Bankruptcy Court for the Northern District of Illinois (the "Bankruptcy Court") at such time as said Authorized Person executing the same shall determine;

FURTHER RESOLVED, that the law firm of McDonald Hopkins LLC, 300 N. LaSalle Dr., Suite #1400, Chicago, IL 60654, is hereby retained as general bankruptcy legal counsel for the Company in the Company's chapter 11 bankruptcy case, subject to approval of the Bankruptcy Court;

FURTHER RESOLVED, that the Authorized Person is hereby authorized, empowered, and directed to execute and file all petitions, schedules, motions, lists, applications, pleadings, and other papers, and, in connection therewith, to employ and retain all assistance by legal counsel, accountants, financial advisors, and other professionals, and to take and perform any and all further acts and deeds which such Authorized Person deems necessary, proper, or desirable in connection with the Company's bankruptcy case, with a view to the successful prosecution of such bankruptcy case;

FURTHER RESOLVED, that the Authorized Person is hereby authorized, empowered, and directed, in the name and on behalf of the Company, to cause the Company to enter into, execute, deliver, certify, file and/or record, and perform, such agreements, instruments, motions, affidavits, applications for approvals or rulings of governmental or regulatory authorities, certificates, or other documents, and to take such other action, as in the judgment of the Authorized Person shall be or become necessary, proper, and desirable to prosecute to a successful completion the Company's bankruptcy case, to effectuate the restructuring of the Company's debt and other obligations, organizational form and structure, and corporate ownership consistent with the foregoing resolutions, and to carry out and put into effect the purposes of the foregoing resolutions and the transactions contemplated by these resolutions, the Authorized Person's authority thereunto to be evidenced by the taking of such actions;

Ancillary Agreements: General

FURTHER RESOLVED, that the Authorized Person is hereby authorized and empowered to take all such further actions including, without limitation, to arrange for and enter into supplemental agreements, instruments, certificates, or documents relating to the transactions contemplated by the foregoing resolutions as the Authorized Person deems to be necessary, proper, or advisable in the Authorized Person's sole judgment, and to execute and deliver all such supplemental agreements, instruments, certificates, or documents in the name and on behalf of the Company, which shall in the Authorized Person's sole judgment be necessary, proper, or advisable in order to perform the Company's obligations under or in connection with, or pursuant to, the foregoing resolutions, and to carry out fully the intent of the foregoing resolutions; and

FURTHER RESOLVED, that all of the acts of the officers, employees, or agents of the Company for and on behalf of the Company in connection with the transactions described or referred to in these resolutions, whether heretofore or hereafter done or performed, which are in conformity with the intent and purposes of these resolutions and the agreements and instruments referred to herein, are hereby ratified, confirmed, and approved in all respects.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the undersigned has consented to the above resolutions as of the 23 day of February, 2022.

PAUL A. HACKETT

By: 

Name: Paul A. Hackett

Title: CEO

Fill in this information to identify the case:

Debtor name Walnut Creek Nursery, Inc.
 United States Bankruptcy Court for the: NORTHERN DISTRICT OF ILLINOIS
 Case number (if known): _____

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
J. Frank Schmidt and Son 9500 S.E. 327th Ave Boring, OR 97009	Attn Stephanie Rustan - Credit Mgr	Trade Debt				\$80,000.00
Kuenzi Turf & Nursery 6475 State St Salem, OR 97317	Attn: Myron Kuenzi	Trade Debt				\$71,000.00
Carlton Plants 14301 SE Wallace Road Dayton, OR 97114		Trade Debt				\$70,000.00
Small Business Term Loans, Inc. dba BFS Capital 3301 N University Dr Ste 300 Coral Springs, FL 33065		Bank Loans				\$56,894.00
PayPal & Swift Capital Commerical Collections of America LLC 2180 W Grant Line Road Ste 202 Tracy, CA 95377		Bank Loans				\$43,641.32
Ewing Irrigation 3441 E. Harbour Drive Phoenix, AZ 85034	Attn Bridget Bacle, Cust Outreach	Trade Debt				\$36,195.47
John Carcieri & Associates 220 E. Falmouth Highway East Falmouth, MA 02536		Trade Debt				\$34,196.75

Debtor **Walnut Creek Nursery, Inc.**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
John Holmlund Nursery, LLC 29285 SE Highway 212 Boring, OR 97009		Trade Debt				\$30,000.00
Sester Farms, Inc. 33205 S.E. Oxbow Drive Gresham, OR 97080	Attn Lisa Vaughan Accounting	Trade Debt				\$24,000.00
Shade Tree Nursery 10765 176th Street Mc Alpin, FL 32062		Trade Debt				\$22,995.51
Hason Farm Nursery P.O. Box 7521 McMinnville, TN 37111		Trade Debt				\$20,080.00
Chase Bank P.O. Box 15298 Wilmington, DE 19850-5298		Trade Debt				\$19,059.05
Trickleze 4266 Hollywood Road Saint Joseph, MI 49085	Attn: Doris Lewis	Trade Debt				\$16,324.06
Hortica Insurance 1 Horticultural Lane P.O. Box 428 Edwardsville, IL 62025	Attn Susan Jones AIS Accounting	Trade Debt				\$14,622.48
Peter Hackett Trustee Michael Hackett Trustee Andrea Brien Trust	hackett@hypoxla.net mhackett@conway.com	Trade Debt				\$14,000.00
Don Schmidt Nursery 32010 SE Kelso Road Boring, OR 97009	Attn Eric Schmidt	Trade Debt				\$11,913.20
Masterblend 4673 Weitz Road Morris, IL 60450		Trade Debt				\$7,780.00
Left Coast Logistics LLC 5775 SW Jean Road Ste 215 Lake Oswego, OR 97035		Trade Debt				\$7,200.00
Martin J. Engel 444 N. Michigan Avenue Ste 12000 Chicago, IL 60611		Trade Debt				\$7,200.00

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured claims

page 2

Official form 204

Best Case Bankruptcy

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Debtor **Walnut Creek Nursery, Inc.**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Goodmark Nursery 8920 Howe Road Wonder Lake, IL 60097		Trade Debt				\$6,697.00

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	
)	Chapter 11
WALNUT CREEK NURSERY, INC., ¹)	
)	Case No. ____ - ____
Debtor.)	
)	
)	

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case.

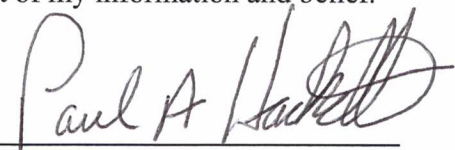
Debtor	Equity Holders	Address of Equity Holder	Security Class	Number of Securities	Percentage of Equity Held
Walnut Creek Nursery, Inc.	Paul A. Hackett	35910 Polk Road Marengo, IL 60152	Common Units	100	100%

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION
OR PARTNERSHIP**

I, Paul A. Hackett, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date February 23, 2022

Signature



Paul A. Hackett,
Owner

Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

¹ The last four digits of the Debtor's tax identification number are 2562. The location of the Debtor's business is 35910 Polk Road, Marengo, IL 60152.